

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1579 Session of
1983

INTRODUCED BY RAPPAPORT AND SPENCER, OCTOBER 12, 1983

AS AMENDED ON SECOND CONSIDERATION, IN SENATE,
SEPTEMBER 26, 1984

AN ACT

1 ~~Amending Title 42 (Judiciary and Judicial Procedure) of the~~ <—
2 ~~Pennsylvania Consolidated Statutes, providing for dividing~~
3 ~~the thirty ninth judicial district into two separate~~
4 ~~districts; providing for additional judges in the fifth,~~
5 ~~sixth, seventh, ninth, tenth, fifteenth, seventeenth,~~
6 ~~nineteenth, twenty third, twenty fourth, thirty first,~~
7 ~~thirty second, thirty ninth, forty third, forty sixth, fifty~~
8 ~~first and fifty third judicial districts; and providing for~~
9 ~~additional compensation for assignment of district justices.~~
10 AMENDING TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE <—
11 PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR <—
12 DUTIES AND JURISDICTION OF THE MUNICIPAL COURT OF
13 PHILADELPHIA AND BAIL COMMISSIONERS; PROVIDING FOR
14 INTERPRETERS FOR DEAF PERSONS IN CIVIL PROCEEDINGS; AND <—
15 REPEALING CERTAIN ACTS RELATING TO THE ASSIGNMENT OF COUNSEL
16 AND COMPENSATION OF COUNSEL ASSIGNED TO REPRESENT DEFENDANTS
17 IN COUNTIES OF THE FIRST CLASS.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 ~~Section 1. Sections 901 and 911 of Title 42 of the~~ <—
21 ~~Pennsylvania Consolidated Statutes are amended to read:~~
22 ~~§ 901. Judicial districts.~~
23 ~~(a) General rule. The Commonwealth is divided into [60] 61~~

1 ~~judicial districts, numbered and composed as follows:~~

2 ~~First.—City and County of Philadelphia.~~

3 ~~Second.—County of Lancaster.~~

4 ~~Third.—County of Northampton.~~

5 ~~Fourth.—County of Tioga.~~

6 ~~Fifth.—County of Allegheny.~~

7 ~~Sixth.—County of Erie.~~

8 ~~Seventh.—County of Bucks.~~

9 ~~Eighth.—County of Northumberland.~~

10 ~~Ninth.—County of Cumberland.~~

11 ~~Tenth.—County of Westmoreland.~~

12 ~~Eleventh.—County of Luzerne.~~

13 ~~Twelfth.—County of Dauphin.~~

14 ~~Thirteenth.—County of Greene.~~

15 ~~Fourteenth.—County of Fayette.~~

16 ~~Fifteenth.—County of Chester.~~

17 ~~Sixteenth.—County of Somerset.~~

18 ~~Seventeenth.—Counties of Snyder and Union.~~

19 ~~Eighteenth.—County of Clarion.~~

20 ~~Nineteenth.—County of York.~~

21 ~~Twentieth.—County of Huntingdon.~~

22 ~~Twenty first.—County of Schuylkill.~~

23 ~~Twenty second.—County of Wayne.~~

24 ~~Twenty third.—County of Berks.~~

25 ~~Twenty fourth.—County of Blair.~~

26 ~~Twenty fifth.—County of Clinton.~~

27 ~~Twenty sixth.—Counties of Columbia and Montour.~~

28 ~~Twenty seventh.—County of Washington.~~

29 ~~Twenty eighth.—County of Venango.~~

30 ~~Twenty ninth.—County of Lycoming.~~

1 ~~Thirtieth.—County of Crawford.~~
2 ~~Thirty first.—County of Lehigh.~~
3 ~~Thirty second.—County of Delaware.~~
4 ~~Thirty third.—County of Armstrong.~~
5 ~~Thirty fourth.—County of Susquehanna.~~
6 ~~Thirty fifth.—County of Mercer.~~
7 ~~Thirty sixth.—County of Beaver.~~
8 ~~Thirty seventh.—Counties of Forest and Warren.~~
9 ~~Thirty eighth.—County of Montgomery.~~
10 ~~Thirty ninth.—[Counties] County of Franklin [and Fulton].~~
11 ~~Fortieth.—County of Indiana.~~
12 ~~Forty first.—Counties of Juniata and Perry.~~
13 ~~Forty second.—County of Bradford.~~
14 ~~Forty third.—County of Monroe.~~
15 ~~Forty fourth.—Counties of Sullivan and Wyoming.~~
16 ~~Forty fifth.—County of Lackawanna.~~
17 ~~Forty sixth.—County of Clearfield.~~
18 ~~Forty seventh.—County of Cambria.~~
19 ~~Forty eighth.—County of McKean.~~
20 ~~Forty ninth.—County of Centre.~~
21 ~~Fiftieth.—County of Butler.~~
22 ~~Fifty first.—County of Adams.~~
23 ~~Fifty second.—County of Lebanon.~~
24 ~~Fifty third.—County of Lawrence.~~
25 ~~Fifty fourth.—County of Jefferson.~~
26 ~~Fifty fifth.—County of Potter.~~
27 ~~Fifty sixth.—County of Carbon.~~
28 ~~Fifty seventh.—County of Bedford.~~
29 ~~Fifty eighth.—County of Mifflin.~~
30 ~~Fifty ninth.—Counties of Cameron and Elk.~~

1 ~~Sixtieth. County of Pike.~~

2 ~~Sixty first. County of Fulton.~~

3 ~~(b) Change in number or boundaries. Except as otherwise~~
4 ~~provided therein, any statute amending subsection (a) so as to~~
5 ~~change the number or boundaries of the judicial districts of~~
6 ~~this Commonwealth shall take effect 30 days after the entry of~~
7 ~~an order of the Supreme Court evidencing the advice and consent~~
8 ~~of the court to the amendment pursuant to section 11 of Article~~
9 ~~V of the Constitution of Pennsylvania.~~

10 ~~§ 911. Courts of common pleas.~~

11 ~~(a) General rule. There shall be one court of common pleas~~
12 ~~for each judicial district of this Commonwealth consisting of~~
13 ~~the following number of judges:~~

14		Number of
15	Judicial District	Judges
16	First	81
17	Second	6
18	Third	5
19	Fourth	1
20	Fifth	{39} 42
21	Sixth	{6} 8
22	Seventh	{10} 11
23	Eighth	2
24	Ninth	{3} 4
25	Tenth	{8} 9
26	Eleventh	7
27	Twelfth	6
28	Thirteenth	1
29	Fourteenth	4
30	Fifteenth	{7} 9

1	Sixteenth	-2
2	Seventeenth	-[1] <u>2</u>
3	Eighteenth	-1
4	Nineteenth	-[6] <u>7</u>
5	Twentieth	-1
6	Twenty first	-5
7	Twenty second	-1
8	Twenty third	-[6] <u>7</u>
9	Twenty fourth	-[3] <u>4</u>
10	Twenty fifth	-1
11	Twenty sixth	-1
12	Twenty seventh	-5
13	Twenty eighth	-1
14	Twenty ninth	-3
15	Thirtieth	-2
16	Thirty first	-[6] <u>7</u>
17	Thirty second	[14] <u>15</u>
18	Thirty third	-1
19	Thirty fourth	-1
20	Thirty fifth	-3
21	Thirty sixth	-5
22	Thirty seventh	-1
23	Thirty eighth	<u>15</u>
24	Thirty ninth	-[2] <u>3</u>
25	Fortieth	-2
26	Forty first	-1
27	Forty second	-1
28	Forty third	-[2] <u>3</u>
29	Forty fourth	-1
30	Forty fifth	-5

1	Forty sixth	—[1]— <u>2</u>
2	Forty seventh	—4
3	Forty eighth	—1
4	Forty ninth	—2
5	Fiftieth	—3
6	Fifty first	—[1]— <u>2</u>
7	Fifty second	—3
8	Fifty third	—[2]— <u>3</u>
9	Fifty fourth	—1
10	Fifty fifth	—1
11	Fifty sixth	—1
12	Fifty seventh	—1
13	Fifty eighth	—1
14	Fifty ninth	—1
15	Sixtieth	—1
16	<u>Sixty first</u>	—1

17 ~~(b) Single county districts. In single county judicial~~
18 ~~districts the court of common pleas of the district shall be~~
19 ~~known as the "Court of Common Pleas of (the respective) County."~~

20 ~~(c) Multicounty districts. In multicounty judicial~~
21 ~~districts the court of common pleas of the district shall be~~
22 ~~known as the "Court of Common Pleas of the (respective) Judicial~~
23 ~~District." There shall be a separate branch of the court in each~~
24 ~~county comprising the judicial district.~~

25 ~~Section 2. Section 4122 of Title 42 is amended to read:~~

26 ~~§ 4122. Assignment of district justices.~~

27 ~~(a) General rule. Subject to general rules any district~~
28 ~~justice may be temporarily assigned to any other magisterial~~
29 ~~district or the Pittsburgh Magistrates Court or the Traffic~~
30 ~~Court of Philadelphia, and may there hear and determine any~~

~~matter with like effect as if duly commissioned to sit in such other district or in such court.~~

~~(b) Senior district justices. A senior district justice who shall not have been defeated for reelection or been suspended or removed from office may, with his consent, be assigned on temporary magisterial service pursuant to subsection (a). A senior district justice shall be paid a per diem salary at the same annual rate as is applicable in the district where he is temporarily assigned and shall receive expenses at the same per diem rate as other justices temporarily assigned.~~

~~(c) Additional compensation. A district justice, assigned by the court of common pleas to perform additional part time duties in a district other than the one in which he is elected, shall be entitled to receive additional compensation of \$20 per day for each day he performs assigned duties.~~

~~Section 3. The provisions of this act, creating a new judicial district, shall take effect 30 days after the advice and consent of the Supreme Court of Pennsylvania is given by order of the court pursuant to section 11 of Article V of the Constitution of Pennsylvania.~~

~~Section 4. The vacancies created by the new judgeships added by section 1 of this act shall be filled by election.~~

~~Section 5. This act shall take effect January 1, 1985.~~

SECTION 1. THE DEFINITION OF "MINOR JUDICIARY" IN SECTION 102 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 102. DEFINITIONS.

SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN

1 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
2 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

3 * * *

4 "MINOR JUDICIARY." THE COMMUNITY COURTS, DISTRICT JUSTICES,
5 [PHILADELPHIA MUNICIPAL COURT,] PITTSBURGH MAGISTRATES COURT AND
6 TRAFFIC COURT OF PHILADELPHIA.

7 * * *

8 SECTION 2. SECTION 1123(A) OF TITLE 42, AMENDED DECEMBER 20,
9 1982 (P.L.1409, NO.326), IS AMENDED AND A SUBSECTION IS ADDED TO
10 READ:

11 § 1123. JURISDICTION AND VENUE.

12 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PRESCRIBED BY ANY
13 GENERAL RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO
14 REASSIGNMENT OF MATTERS), THE PHILADELPHIA MUNICIPAL COURT SHALL
15 HAVE JURISDICTION OF THE FOLLOWING MATTERS:

16 (1) SUMMARY OFFENSES, EXCEPT THOSE WITHIN THE
17 JURISDICTION OF THE TRAFFIC COURT OF PHILADELPHIA.

18 (2) CRIMINAL OFFENSES BY ANY PERSON (OTHER THAN A
19 JUVENILE) FOR WHICH NO PRISON TERM MAY BE IMPOSED OR WHICH
20 ARE PUNISHABLE BY IMPRISONMENT FOR A TERM OF NOT MORE THAN
21 FIVE YEARS, INCLUDING INDICTABLE OFFENSES UNDER TITLE 75
22 (RELATING TO VEHICLES). IN CASES UNDER THIS PARAGRAPH THE
23 DEFENDANT SHALL HAVE NO RIGHT OF TRIAL BY JURY IN THE
24 MUNICIPAL COURT, BUT SHALL HAVE THE RIGHT OF APPEAL FOR TRIAL
25 DE NOVO, INCLUDING THE RIGHT OF TRIAL BY JURY, TO THE COURT
26 OF COMMON PLEAS. THE JUDGES OF THE MUNICIPAL COURT EXERCISING
27 JURISDICTION UNDER THIS PARAGRAPH SHALL HAVE THE SAME
28 JURISDICTION IN PROBATION AND PAROLE ARISING OUT OF SENTENCES
29 IMPOSED BY THEM AS JUDGES OF THE COURT OF COMMON PLEAS.

30 (3) MATTERS ARISING UNDER THE ACT OF APRIL 6, 1951

(P.L.69, NO.20), KNOWN AS "THE LANDLORD AND TENANT ACT OF 1951."

(4) CIVIL ACTIONS, EXCEPT ACTIONS BY OR AGAINST A COMMONWEALTH PARTY AS DEFINED BY SECTION 8501 (RELATING TO DEFINITIONS), WHEREIN THE SUM DEMANDED DOES NOT EXCEED [\$1,000] \$5,000, EXCLUSIVE OF INTEREST AND COSTS, IN THE FOLLOWING CLASSES OF ACTIONS:

(I) IN ASSUMPSIT.

(II) IN TRESPASS, INCLUDING ALL FORMS OF TRESPASS AND TRESPASS ON THE CASE.

(III) FOR FINES AND PENALTIES BY ANY GOVERNMENT AGENCY.

A PLAINTIFF MAY WAIVE A PORTION OF HIS CLAIM OF MORE THAN [\$1,000] \$5,000 SO AS TO BRING THE MATTER WITHIN THE MONETARY JURISDICTION OF THE MUNICIPAL COURT. SUCH WAIVER SHALL BE REVOKED AUTOMATICALLY IF THE DEFENDANT APPEALS THE FINAL ORDER OF THE MUNICIPAL COURT. IN CASES UNDER THIS PARAGRAPH THE DEFENDANT SHALL HAVE NO RIGHT OF TRIAL BY JURY IN THE MUNICIPAL COURT, BUT SHALL HAVE THE RIGHT TO APPEAL FOR TRIAL DE NOVO, INCLUDING THE RIGHT OF TRIAL BY JURY, TO THE COURT OF COMMON PLEAS, IT BEING THE PURPOSE OF THIS PARAGRAPH TO ESTABLISH AN EXPEDITIOUS SMALL CLAIMS PROCEDURE WHEREBY IT SHALL NOT BE NECESSARY FOR THE LITIGANTS TO OBTAIN COUNSEL. JUDGMENTS BY CONFESSION SHALL NOT BE ENTERED IN THE MUNICIPAL COURT.

(5) AS COMMISSIONERS TO PRESIDE AT ARRAIGNMENTS, FIX AND ACCEPT BAIL, ISSUE WARRANTS AND PERFORM DUTIES OF A SIMILAR NATURE, INCLUDING THE JURISDICTION OF A COMMITTING MAGISTRATE IN ALL CRIMINAL PROCEEDINGS. IN ADDITION TO THE EXERCISE OF THE POWERS BY THE JUDGES SET FORTH IN THIS PARAGRAPH, THE

1 PHILADELPHIA MUNICIPAL COURT THROUGH THE PRESIDENT JUDGE AND
2 A MAJORITY OF THE JUDGES OF THE COURT SHALL HAVE THE POWER TO
3 APPOINT FOR FOUR-YEAR TERMS SIX BAIL COMMISSIONERS, TO
4 ADMINISTER OATHS AND AFFIRMATIONS, PRESIDE AT PRELIMINARY
5 ARRAIGNMENTS, ASSIGN COUNSEL IN CERTAIN CASES, ISSUE CRIMINAL
6 COMPLAINTS, FIX BAIL AND ISSUE ARREST WARRANTS AND SEARCH AND
7 SEIZURE WARRANTS. THE BAIL COMMISSIONERS SHALL BE EMPLOYEES
8 OF THE COMMONWEALTH AND THEY SHALL RECEIVE AN ANNUAL SALARY
9 EQUAL TO THE SALARY OF AN ASSOCIATE JUDGE OF THE TRAFFIC
10 COURT OF PHILADELPHIA. THE METHOD OF SELECTION AND
11 APPOINTMENT AND REMOVAL OF BAIL COMMISSIONERS AND
12 ESTABLISHING STANDARDS OF CONDUCT AND THE RIGHTS,
13 RESPONSIBILITIES AND AUTHORITY OF THE BAIL COMMISSIONERS AND
14 THE PROCEDURES FOR APPEALING FROM THE DECISIONS OF THE BAIL
15 COMMISSIONERS SHALL BE PROVIDED BY LOCAL RULES ADOPTED BY THE
16 MUNICIPAL COURT.

17 (6) CIVIL ACTIONS WHEREIN THE SUM DEMANDED DOES NOT
18 EXCEED \$15,000 IN MATTERS INVOLVING JUDGMENTS OF REAL ESTATE
19 TAXES AND SCHOOL TAXES LEVIED BY CITIES OF THE FIRST CLASS.

20 (A.1) APPEAL FROM CONTEMPT CITATION.--THERE SHALL BE A RIGHT
21 TO APPEAL TO THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY OF
22 A CONTEMPT CITATION ISSUED BY A MUNICIPAL COURT JUDGE, BUT THE
23 APPEAL SHALL BE LIMITED TO A REVIEW OF THE RECORD.

24 * * *

25 SECTION 3. SECTIONS 3111, 3112, 3113, 3114, 3115 AND 3118 OF
26 TITLE 42 ARE AMENDED TO READ:

27 § 3111. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
29 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
30 MEANINGS GIVEN TO THEM IN THIS SECTION:

1 "BAIL COMMISSIONER." A BAIL COMMISSIONER OF THE PHILADELPHIA
2 MUNICIPAL COURT.

3 "BOARD." THE BOARD EXISTING UNDER SUBCHAPTER D OF CHAPTER 21
4 (RELATING TO MINOR JUDICIARY EDUCATION BOARD).

5 "JUDGE." A JUDGE OF THE PITTSBURGH MAGISTRATES COURT OR THE
6 TRAFFIC COURT OF PHILADELPHIA.

7 § 3112. COURSE OF INSTRUCTION AND EXAMINATION REQUIRED.

8 DISTRICT JUSTICES, BAIL COMMISSIONERS AND JUDGES WHO ARE NOT
9 MEMBERS OF THE BAR OF THIS COMMONWEALTH SHALL COMPLETE A COURSE
10 OF TRAINING AND INSTRUCTION IN THE DUTIES OF THEIR RESPECTIVE
11 OFFICES AND PASS AN EXAMINATION PRIOR TO ASSUMING OFFICE.

12 § 3113. CONTENT OF COURSE OF INSTRUCTION AND EXAMINATION.

13 (A) GENERAL RULE.--THE BOARD SHALL PRESCRIBE AND APPROVE THE
14 SUBJECT MATTER AND THE EXAMINATION FOR THE COURSE OF TRAINING
15 AND INSTRUCTION REQUIRED BY THIS SUBCHAPTER. THE ADMINISTRATIVE
16 OFFICE SHALL, SUBJECT TO THE DIRECTION OF THE BOARD, ADMINISTER
17 THE COURSE OF TRAINING AND INSTRUCTION AND CONDUCT THE
18 EXAMINATION. THE ADMINISTRATIVE OFFICE SHALL CONDUCT THE COURSE
19 AND EXAMINATION AT SUCH TIMES, AT SUCH PLACES AND IN SUCH MANNER
20 AS THE REGULATIONS OF THE BOARD MAY PRESCRIBE. THE BOARD SHALL
21 MAKE THE COURSE OF INSTRUCTION AVAILABLE AT SUCH TIMES SO AS TO
22 INSURE THAT ANY DISTRICT JUSTICE, BAIL COMMISSIONER OR JUDGE
23 ELECTED OR APPOINTED MAY QUALIFY TO ASSUME OFFICE AS SOON AS
24 POSSIBLE.

25 (B) CONTENT OF COURSE.--THE COURSE OF TRAINING AND
26 INSTRUCTION SHALL NOT EXCEED FOUR WEEKS IN DURATION AND SHALL
27 CONSIST OF A MINIMUM OF 40 HOURS OF CLASS INSTRUCTION IN CIVIL
28 AND CRIMINAL LAW, INCLUDING EVIDENCE AND PROCEDURE, SUMMARY
29 PROCEEDINGS, MOTOR VEHICLES AND COURSES IN JUDICIAL ETHICS, IN
30 THE CASE OF ALL SUCH OFFICIALS EXCEPT BAIL COMMISSIONERS, IN

1 WHICH CASE IT SHALL CONSIST OF A MINIMUM OF 30 HOURS OF CLASS
2 INSTRUCTION IN CRIMINAL LAW, SEARCH AND SEIZURE, ARREST AND BAIL
3 PRACTICES AND PROCEDURES, AND EXCEPT JUDGES OF THE TRAFFIC COURT
4 OF PHILADELPHIA, IN WHICH CASE IT SHALL CONSIST OF A MINIMUM OF
5 20 HOURS OF CLASS INSTRUCTION IN SUMMARY PROCEEDINGS AND LAWS
6 RELATING TO MOTOR VEHICLES.

7 § 3114. ADMISSION OF INTERESTED PERSONS.

8 IN ADDITION TO THOSE REQUIRED BY THIS SUBCHAPTER TO COMPLETE
9 THE COURSE OF TRAINING AND INSTRUCTION AND SUCCESSFULLY PASS AN
10 EXAMINATION PRIOR TO ASSUMING OFFICE, ANY INTERESTED PERSON MAY
11 APPLY TO THE ADMINISTRATIVE OFFICE TO BE ENROLLED IN THE COURSE
12 OF INSTRUCTION AND TAKE THE EXAMINATION. ANY SUCH INTERESTED
13 PERSON WHO SUCCESSFULLY COMPLETES THE COURSE AND PASSES THE
14 EXAMINATION, AND WHO SUBSEQUENTLY IS ELECTED OR APPOINTED TO THE
15 OFFICE OF DISTRICT JUSTICE, BAIL COMMISSIONER OR JUDGE MAY
16 SECURE A CERTIFICATE FROM THE ADMINISTRATIVE OFFICE AS PROVIDED
17 IN SECTION 3115 (RELATING TO CERTIFICATION OF SUCCESSFUL
18 COMPLETION OF COURSE) WITHOUT AGAIN TAKING THE COURSE OF
19 TRAINING AND INSTRUCTION AND PASSING THE EXAMINATION REQUIRED BY
20 THIS SUBCHAPTER.

21 § 3115. CERTIFICATION OF SUCCESSFUL COMPLETION OF COURSE.

22 UPON THE SUCCESSFUL COMPLETION OF THE COURSE OF TRAINING AND
23 INSTRUCTION AND EXAMINATION, THE ADMINISTRATIVE OFFICE SHALL
24 ISSUE TO A PERSON ELECTED OR APPOINTED AS A DISTRICT JUSTICE,
25 BAIL COMMISSIONER OR JUDGE A CERTIFICATE IN THE FORM PRESCRIBED
26 BY THE BOARD, CERTIFYING THAT SUCH PERSON IS QUALIFIED TO
27 PERFORM HIS DUTIES AS REQUIRED BY THE CONSTITUTION OF
28 PENNSYLVANIA. SUCH CERTIFICATE SHALL BE FILED IN THE OFFICE OF
29 THE CLERK OF THE COURT OF COMMON PLEAS OF THE JUDICIAL DISTRICT
30 EMBRACING THE DISTRICT TO BE SERVED BY THE DISTRICT JUSTICE,

1 BAIL COMMISSIONER OR JUDGE.

2 § 3118. CONTINUING EDUCATION REQUIREMENT.

3 (A) DISTRICT JUSTICES.--EVERY DISTRICT JUSTICE SHALL
4 COMPLETE A CONTINUING EDUCATION PROGRAM EACH YEAR EQUIVALENT TO
5 NOT LESS THAN 32 HOURS PER YEAR IN SUCH COURSES OR PROGRAMS AS
6 ARE APPROVED BY THE BOARD. IF A DISTRICT JUSTICE FAILS TO MEET
7 THESE CONTINUING EDUCATION REQUIREMENTS, SUCH JUSTICE SHALL BE
8 SUBJECT TO SUSPENSION BY THE SUPREME COURT UNTIL SUCH TIME AS
9 EVIDENCE OF COMPLIANCE WITH SUCH REQUIREMENTS IS SUBMITTED BY
10 THE BOARD, BUT IN NO EVENT LONGER THAN SIX MONTHS AT WHICH TIME
11 THE FAILURE TO MEET THE CONTINUING EDUCATION REQUIREMENTS SHALL
12 BE GROUNDS FOR THE SUPREME COURT, AFTER A HEARING, TO DECLARE A
13 VACANCY IN THAT DISTRICT.

14 (B) BAIL COMMISSIONERS.--EVERY BAIL COMMISSIONER SHALL
15 COMPLETE A CONTINUING EDUCATION PROGRAM EACH YEAR EQUIVALENT TO
16 NOT LESS THAN 20 HOURS PER YEAR IN SUCH COURSES OR PROGRAMS AS
17 ARE APPROVED BY THE BOARD.

18 SECTION 4. SECTION 5105(D) OF TITLE 42 IS AMENDED TO READ:
19 § 5105. RIGHT TO APPELLATE REVIEW.

20 * * *

21 (D) SCOPE OF APPEAL.--

22 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION AN
23 APPEAL UNDER THIS SECTION SHALL EXTEND TO THE WHOLE RECORD,
24 WITH LIKE EFFECT AS UPON AN APPEAL FROM A JUDGMENT ENTERED
25 UPON THE VERDICT OF A JURY IN AN ACTION AT LAW AND THE SCOPE
26 OF REVIEW OF THE ORDER SHALL NOT BE LIMITED AS ON BROAD OR
27 NARROW CERTIORARI.

28 (2) AN ORDER WHICH IS APPEALABLE BY REASON OF SUBSECTION
29 (A)(2), BUT WHICH WOULD NOT BE APPEALABLE UNDER CHAPTER 7 OF
30 TITLE 2 OR UNDER ANY OTHER CORRESPONDING PROVISION OF LAW,

1 SHALL NOT BE REVERSED OR MODIFIED ON APPEAL UNLESS THE
2 APPELLANT WOULD BE ENTITLED TO EQUIVALENT RELIEF UPON AN
3 ACTION IN THE NATURE OF EQUITY, REPLEVIN, MANDAMUS OR QUO
4 WARRANTO OR FOR DECLARATORY JUDGMENT OR FOR A WRIT OF
5 CERTIORARI OR PROHIBITION OR OTHERWISE OBJECTING TO SUCH
6 ORDER.

7 (3) NOTHING IN THIS SUBSECTION SHALL SUPERSEDE ANY
8 GENERAL RULE OR RULE OF COURT OR ANY UNSUSPENDED STATUTE
9 AUTHORIZING OR REQUIRING AN APPELLATE COURT TO RECEIVE
10 ADDITIONAL EVIDENCE OR TO HEAR THE APPEAL DE NOVO.

11 (4) EXCEPT AS OTHERWISE PRESCRIBED BY GENERAL RULE AND
12 SECTION 1123(A.1) (RELATING TO JURISDICTION AND VENUE), AN
13 APPEAL FROM A FINAL ORDER OF THE MINOR JUDICIARY SHALL BE DE
14 NOVO UNDER PROCEDURES ESTABLISHED BY GENERAL RULE.

15 * * *

16 SECTION ~~4~~ 5. TITLE 42 ~~OF THE PENNSYLVANIA CONSOLIDATED~~
17 ~~STATUTES~~ IS AMENDED BY ADDING A SECTION TO READ:

18 § 7103. INTERPRETERS FOR THE DEAF.

19 (A) GENERAL RULE.--IN ANY CIVIL PROCEEDING IN WHICH A PARTY
20 IS DEAF THE COURT MAY APPOINT AN INTERPRETER TO ASSIST THE PARTY
21 THROUGHOUT THE PROCEEDING. DISPOSITION OF COSTS SHALL BE IN
22 DISCRETION OF THE COURT.

23 (B) OATH.--THE INTERPRETER SHALL SWEAR OR AFFIRM THAT HE
24 WILL MAKE A TRUE INTERPRETATION TO THE DEAF PERSON AND THAT HE
25 WILL REPEAT THE STATEMENTS OF THE DEAF PERSON TO THE BEST OF HIS
26 ABILITY.

27 (C) DEFINITIONS.--AS USED IN THIS SECTION THE FOLLOWING
28 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
29 SUBSECTION:

30 "DEAF." PERSONS WHO ARE DEAF OR WHOSE HEARING IS SO IMPAIRED

1 THAT THEY ARE UNABLE TO UNDERSTAND OR COMMUNICATE THE SPOKEN
2 ENGLISH LANGUAGE.

3 "INTERPRETER." A PERSON QUALIFIED AND TRAINED TO TRANSLATE
4 FOR OR COMMUNICATE WITH DEAF PERSONS. ANY PERSON CERTIFIED BY
5 THE NATIONAL OR LOCAL REGISTRY OF INTERPRETERS FOR THE DEAF OR
6 SIMILAR REGISTRY SHALL BE CONSIDERED QUALIFIED FOR THE PURPOSES
7 OF THIS SECTION.

8 ~~SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.~~ <—

9 SECTION 6. THE FOLLOWING ACTS AND PARTS OF ACTS ARE <—
10 REPEALED:

11 THE ACT OF JANUARY 19, 1968 (1967 P.L.984, NO.438), ENTITLED
12 "AN ACT TO PROVIDE IN CITIES OF THE FIRST CLASS FOR THE
13 ALLOWANCE OF COMPENSATION TO COUNSEL ASSIGNED TO REPRESENT A
14 DEFENDANT CHARGED WITH A NON-CAPITAL INDICTABLE OFFENSE AND
15 REIMBURSEMENT FOR NECESSARY EXPENSES REASONABLY INCURRED."

16 THE ACT OF JULY 22, 1970 (P.L.535, NO.180), ENTITLED "AN ACT
17 PROVIDING FOR THE ASSIGNMENT OF COUNSEL IN MURDER CASES IN
18 COUNTIES OF THE FIRST CLASS, SETTING FORTH A SCHEDULE OF FEES
19 FOR COUNSEL ASSIGNED IN ALL CASES AND ESTABLISHING THE
20 RESPONSIBILITY FOR THE PAYMENT OF SUCH FEES."

21 SECTION 7. (A) SECTIONS 1, 2, 3 AND 4 OF THIS ACT SHALL
22 TAKE EFFECT IN 60 DAYS.

23 (B) SECTION 6 SHALL TAKE EFFECT UPON THE ADOPTION OF COURT
24 RULES ACCOMPLISHING THE PURPOSE OF THE ACTS BEING REPEALED.

25 (C) SECTIONS 5 AND 7 OF THIS ACT SHALL TAKE EFFECT
26 IMMEDIATELY.